



Sen. Iris Y. Martinez

Filed: 11/1/2011

09700HB2956sam001

LRB097 08576 CEL 58931 a

1 AMENDMENT TO HOUSE BILL 2956

2 AMENDMENT NO. _____. Amend House Bill 2956 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Real Estate License Act of 2000 is amended
5 by changing Sections 5-70 and 10-30 as follows:

6 (225 ILCS 454/5-70)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 5-70. Continuing education requirement; managing
9 broker, broker, or salesperson.

10 (a) The requirements of this Section apply to all managing
11 brokers, brokers, and salespersons.

12 (b) Except as otherwise provided in this Section, each
13 person who applies for renewal of his or her license as a
14 managing broker, real estate broker, or real estate salesperson
15 must successfully complete 6 hours of real estate continuing
16 education courses approved by the Advisory Council for each

1 year of the pre-renewal period. Broker licensees must
2 successfully complete a 6-hour broker management continuing
3 education course approved by the Department for the pre-renewal
4 period ending April 30, 2010. In addition, beginning with the
5 pre-renewal period for managing broker licensees that begins
6 after the effective date of this Act, those licensees renewing
7 or obtaining a managing broker's license must successfully
8 complete a 12-hour broker management continuing education
9 course approved by the Department each pre-renewal period. The
10 broker management continuing education course must be
11 completed in the classroom or by other interactive delivery
12 method presenting instruction and real time discussion between
13 the instructor and the students. Successful completion of the
14 course shall include achieving a passing score as provided by
15 rule on a test developed and administered in accordance with
16 rules adopted by the Department. No license may be renewed
17 except upon the successful completion of the required courses
18 or their equivalent or upon a waiver of those requirements for
19 good cause shown as determined by the Secretary with the
20 recommendation of the Advisory Council. The requirements of
21 this Article are applicable to all managing brokers, brokers,
22 and salespersons except those brokers and salespersons who,
23 during the pre-renewal period:

- 24 (1) serve in the armed services of the United States;
- 25 (2) serve as an elected State or federal official;
- 26 (3) serve as a full-time employee of the Department; or

1 (4) are admitted to practice law pursuant to Illinois
2 Supreme Court rule.

3 (c) A person licensed as a salesperson as of April 30, 2011
4 shall not be required to complete the 18 hours of continuing
5 education for the pre-renewal period ending April 30, 2012 if
6 that person takes the 30-hour post-licensing course to obtain a
7 broker's license. A person licensed as a broker as of April 30,
8 2011 shall not be required to complete the 12 hours of broker
9 management continuing education for the pre-renewal period
10 ending April 30, 2012, unless that person passes the
11 proficiency exam provided for in Section 5-47 of this Act to
12 qualify for a managing broker's license.

13 (d) A person receiving an initial license during the 90
14 days before the renewal date shall not be required to complete
15 the continuing education courses provided for in subsection (b)
16 of this Section as a condition of initial license renewal.

17 (e) The continuing education requirement for salespersons,
18 brokers and managing brokers shall consist of a core curriculum
19 and an elective curriculum, to be established by the Advisory
20 Council. In meeting the continuing education requirements of
21 this Act, at least 3 hours per year or their equivalent, 6
22 hours for each two-year pre-renewal period, shall be required
23 to be completed in the core curriculum. In establishing the
24 core curriculum, the Advisory Council shall consider subjects
25 that will educate licensees on recent changes in applicable
26 laws and new laws and refresh the licensee on areas of the

1 license law and the Department policy that the Advisory Council
2 deems appropriate, and any other areas that the Advisory
3 Council deems timely and applicable in order to prevent
4 violations of this Act and to protect the public. In
5 establishing the elective curriculum, the Advisory Council
6 shall consider subjects that cover the various aspects of the
7 practice of real estate that are covered under the scope of
8 this Act. However, the elective curriculum shall not include
9 any offerings referred to in Section 5-85 of this Act.

10 (f) The subject areas of continuing education courses
11 approved by the Advisory Council may include without limitation
12 the following:

- 13 (1) license law and escrow;
- 14 (2) antitrust;
- 15 (3) fair housing;
- 16 (4) agency;
- 17 (5) appraisal;
- 18 (6) property management;
- 19 (7) residential brokerage;
- 20 (8) farm property management;
- 21 (9) rights and duties of sellers, buyers, and brokers;
- 22 (10) commercial brokerage and leasing; and
- 23 (11) real estate financing.

24 (g) In lieu of credit for those courses listed in
25 subsection (f) of this Section, credit may be earned for
26 serving as a licensed instructor in an approved course of

1 continuing education. The amount of credit earned for teaching
2 a course shall be the amount of continuing education credit for
3 which the course is approved for licensees taking the course.

4 (h) Credit hours may be earned for self-study programs
5 approved by the Advisory Council.

6 (i) A broker or salesperson may earn credit for a specific
7 continuing education course only once during the prerenewal
8 period.

9 (j) No more than 6 hours of continuing education credit may
10 be taken or earned in one calendar day.

11 (k) To promote the offering of a uniform and consistent
12 course content, the Department may provide for the development
13 of a single broker management course to be offered by all
14 continuing education providers who choose to offer the broker
15 management continuing education course. The Department may
16 contract for the development of the 12-hour ~~6-hour~~ broker
17 management continuing education course with an outside vendor
18 or consultant and, if the course is developed in this manner,
19 the Department or the outside consultant shall license the use
20 of that course to all approved continuing education providers
21 who wish to provide the course.

22 (l) Except as specifically provided in this Act, continuing
23 education credit hours may not be earned for completion of pre
24 or post-license courses. The approved 30-hour post-license
25 course for broker licensees shall satisfy the continuing
26 education requirement for the pre-renewal period in which the

1 course is taken. The approved 45-hour brokerage administration
2 and management course shall satisfy the 12-hour broker
3 management continuing education requirement for the
4 pre-renewal period in which the course is taken.

5 (Source: P.A. 96-856, eff. 12-31-09.)

6 (225 ILCS 454/10-30)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 10-30. Advertising.

9 (a) No advertising, whether in print, via the Internet, or
10 through any other media, shall be fraudulent, deceptive,
11 inherently misleading, or proven to be misleading in practice.
12 Advertising shall be considered misleading or untruthful if,
13 when taken as a whole, there is a distinct and reasonable
14 possibility that it will be misunderstood or will deceive the
15 ordinary purchaser, seller, lessee, lessor, or owner.
16 Advertising shall contain all information necessary to
17 communicate the information contained therein to the public in
18 an accurate, direct, and readily comprehensible manner.

19 (b) No blind advertisements may be used by any licensee, in
20 any media, except as provided for in this Section.

21 (c) A licensee shall disclose, in writing, to all parties
22 in a transaction his or her status as a licensee and any and
23 all interest the licensee has or may have in the real estate
24 constituting the subject matter thereof, directly or
25 indirectly, according to the following guidelines:

1 (1) On broker yard signs or in broker advertisements,
2 no disclosure of ownership is necessary. However, the
3 ownership shall be indicated on any property data form and
4 disclosed to persons responding to any advertisement or any
5 sign. The term "broker owned" or "agent owned" is
6 sufficient disclosure.

7 (2) A sponsored or inoperative licensee selling or
8 leasing property, owned solely by the sponsored or
9 inoperative licensee, without utilizing brokerage services
10 of their sponsoring broker or any other licensee, may
11 advertise "By Owner". For purposes of this Section,
12 property is "solely owned" by a sponsored or inoperative
13 licensee if he or she (i) has a 100% ownership interest
14 alone, (ii) has ownership as a joint tenant or tenant by
15 the entirety, or (iii) holds a 100% beneficial interest in
16 a land trust. Sponsored or inoperative licensees selling or
17 leasing "By Owner" shall comply with the following if
18 advertising by owner:

19 (A) On "By Owner" yard signs, the sponsored or
20 inoperative licensee shall indicate "broker owned" or
21 "agent owned." "By Owner" advertisements used in any
22 medium of advertising shall include the term "broker
23 owned" or "agent owned."

24 (B) If a sponsored or inoperative licensee runs
25 advertisements, for the purpose of purchasing or
26 leasing real estate, he or she shall disclose in the

1 advertisements his or her status as a licensee.

2 (C) A sponsored or inoperative licensee shall not
3 use the sponsoring broker's name or the sponsoring
4 broker's company name in connection with the sale,
5 lease, or advertisement of the property nor utilize the
6 sponsoring broker's or company's name in connection
7 with the sale, lease, or advertising of the property in
8 a manner likely to create confusion among the public as
9 to whether or not the services of a real estate company
10 are being utilized or whether or not a real estate
11 company has an ownership interest in the property.

12 (d) A sponsored licensee may not advertise under his or her
13 own name. Advertising in any media shall be under the direct
14 supervision of the sponsoring or managing broker and in the
15 sponsoring broker's business name, which in the case of a
16 franchise shall include the franchise affiliation as well as
17 the name of the individual firm. This provision does not apply
18 under the following circumstances:

19 (1) When a licensee enters into a brokerage agreement
20 relating to his or her own real estate, or real estate in
21 which he or she has an ownership interest, with another
22 licensed broker; or

23 (2) When a licensee is selling or leasing his or her
24 own real estate or buying or leasing real estate for
25 himself or herself, after providing the appropriate
26 written disclosure of his or her ownership interest as

1 required in paragraph (2) of subsection (c) of this
2 Section.

3 (e) No licensee shall list his or her name under the
4 heading or title "Real Estate" in the telephone directory or
5 otherwise advertise in his or her own name to the general
6 public through any medium of advertising as being in the real
7 estate business without listing his or her sponsoring broker's
8 business name.

9 (f) The sponsoring broker's business name and the name of
10 the licensee must appear in all advertisements, including
11 business cards. Nothing in this Act shall be construed to
12 require specific print size as between the broker's business
13 name and the name of the licensee.

14 (g) Those individuals licensed as a managing broker and
15 designated with the Department as a managing broker by their
16 sponsoring broker shall identify themselves to the public in
17 advertising, except on "For Sale" or similar signs, as a
18 managing broker. No other individuals holding a managing
19 broker's license may hold themselves out to the public or other
20 licensees as a managing broker.

21 (Source: P.A. 96-856, eff. 12-31-09.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."